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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/472,988	12/28/1999	TERUAKI OKUDA	35.G2524	9448
5514 7:	590 05/08/2002			
FITZPATRICK CELLA HARPER & SCINTO			EXAMINER	
30 ROCKEFEI NEW YORK, 1		SCHWARTZ, PAMELA R		
			ART UNIT	PAPER NUMBER
			1774	8
			DATE MAILED: 05/08/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application N .	Applicant(s)				
	09/472,988	OKUDA, TERUAKI				
Office Action Summary	Examin r	Art Unit				
	Pamela R. Schwartz	1774				
The MAILING DATE of this communicati n ap Period for Reply	opears on the cover sheet v	vith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perior - Failure to reply within the set or extended period for reply will, by statu - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	.136(a). In no event, however, may a ply within the statutory minimum of the d will apply and will expire SIX (6) MC tte, cause the application to become A	reply be timely filed irty (30) days will be considered timely. NTHS from the mailing date of this communication. NBANDONED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on 04	March 2002 .					
2a)⊠ This action is FINAL . 2b)□ T	This action is FINAL . 2b) ☐ This action is non-final.					
 Since this application is in condition for allow closed in accordance with the practice under Disp sition of Claims 						
4)⊠ Claim(s) <u>1-5</u> is/are pending in the application	☑ Claim(s) <u>1-5</u> is/are pending in the application.					
4a) Of the above claim(s) 4 and 5 is/are without	4a) Of the above claim(s) <u>4 and 5</u> is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-3</u> is/are rejected.						
7) Claim(s) is/are objected to.	Claim(s) is/are objected to.					
8) Claim(s) <u>1-5</u> are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner.						
,	zxammer.					
Pri rity under 35 U.S.C. §§ 119 and 120		\$ 440(a) (d) an (6)				
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).* See the attached detailed Office action for a list of the certified copies not received.						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of	v Summary (PTO-413) Paper No(s) · f Informal Patent Application (PTO-152)				

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1. Applicant's election with traverse of Group 1, claims 1-3 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that having one examiner examine both sets of claims together is efficient, would result in more consistency, and would not be a significant additional burden. This is not found persuasive because contrary to applicants' assertions, there is a significant additional burden involved with examining all of the claims together and because restriction is proper for the reasons of record.

The requirement is still deemed proper and is therefore made FINAL.

Claims 4 and 5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Hirose et al. (6,203,899) taken alone or in view of either of Malhotra (6,180,238) or Cousin et al. (4,554,181) for reasons of record and for reasons given below.

Applicants have added the limitation that the outermost layer "forms a transparent film upon heating of the recording medium." While Hirose et al. does not explicitly include this language, the outer layer of the reference should inherently meet this limitation since it may be formed from the same latex materials as recited by applicants. Additionally, since the ink –receiving layer is below the gloss providing outer layer, transparency of the outer layer would have been considered an important

property of the medium of Hirose et al. so that the image could be clearly viewed through the outer layer without interference therefrom.

- 3. Applicant's arguments filed March 4, 2002 have been fully considered but they are not persuasive for the reasons set forth above.
- 4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela R. Schwartz whose telephone number is 703-308-2424. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on (703) 308-0449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

PRSchwartz May 3, 2002